

**MINUTES OF NOVEMBER 14, 2022
CITY OF LUMBERTON**

A Public Hearing of the City Council of the City of Lumberton was held at 6:30 p.m. on November 14, 2022, pursuant to notice duly posted according to law. The following members were present:

Don Surratt	-	Mayor
Lynette Barks	-	Councilwoman
Kimberly Cline	-	Councilwoman
Dan Bell	-	Mayor Pro Tem
David Maniscalco	-	Councilman
Kenny Burkhalter	-	Councilman
Kenneth Wahl	-	Councilman

And absent:

Also present were City Manager Steve Clark, City Attorney Curtis Soileau, Police Chief Danny Sullins, City Secretary Susan Collins, and Zoning Clerk Anita Price, and other guests (see attached Guest Register).

Mayor Surratt called the Meeting to order at 6:30 p.m. noting that a quorum was present, and meeting was duly called and posted in accordance with the Texas Open Meetings Act. Mayor Surratt then delivered the Invocation; Councilwoman Barks led the Pledge of Allegiance and Councilman Bell led the Texas Pledge.

PUBLIC FORUM:

DISCUSSION AND INFORMATION CONCERNING THE FOLLOWING:

***** NOTE: Multiple requests for the same property/address are often discussed together *****

- 1) Zone change request submitted by Dan Priest to rezone his property from R-1 (Single-Family Dwelling District) to C-2 (Community Business District). The property is located at 317 S Main Street, Tract 140, Abstract 53, in the S K VanMeter Survey, P#53-230, I# 2012-33951, Lumberton, Hardin County, Texas.**
- 2) Zone change request submitted by Blue Sky Interests, LTD. to rezone their property from R-1 (Single-Family Dwelling District) to C-2 (Community Business District). The property is located on S Main Street, PIDN# 12981, Tract 124, Abstract 53, in the S K VanMeter Survey, P# 53-229, I#2019-97250 8/9/2019, Lumberton, Hardin County, Texas. They would also like to rezone the connecting property from R-1 to C-2, PIDN# 78464, Lot 1, Minor Plat of McDaniel Acres Plat, Abstract 53, in the S K VanMeter Survey, P# 53-150-A, I# 2020-105654 07/13/2020, Lumberton, Hardin County, Texas.**

Mr. Steve Stafford, Zoning Chairman came forward to present these items. Mr. Stafford advised that there was much discussion on these two items however, the Commission vote was split therefore there is No Recommendation at this time.

City Attorney, Curtis Soileau then detailed several options including the establishment of a Planned Unit Development (PUD) agreement. Mr. Soileau further stated that, although a PUD

would be a viable option, it could be difficult to get three separate tract/property owners to agree on the best utilization of the properties.

- 3) **Variance request submitted by Bobby and JoAnn Wegner to construct a swimming pool in their side yard encroaching upon the rear building setback lines. The property is located at 125 Emerald Drive, located in the Brookdale Garden Homes Subdivision, Abstract 468, Lot 2, Block 2, P#BDG2-2, Lumberton, Hardin County, Texas.**

Mr. Stafford advised that the Zoning Commission considered the recent amendments to the Swimming Pool Ordinance and unanimously Denied the request as presented.

- 4) **Request submitted by Nicholas & Jamie Halliburton to build a 1500 square feet accessory building on their property, instead of the maximum requirement of 800'. The property is located at 210 Holmes Road, Lot 4A, Abstract 14, in the E Duncan Survey, Homewood Addition, P# HWA-3, I# 2018-84914 05/08/2018, Lumberton, Hardin County, Texas.**

Mr. Stafford stated that the Commission Zoning Commission unanimously Denied this request as presented.

- 5) **Request submitted by CND Signs, on behalf of Take 5 Oil Change, to install a wall sign that is 4'10" instead of the maximum requirement of 4'. The property is located at 123 S LHS Drive, Lot 1B, Block 1, Soaring Dove Place, Abstract 2, in the Francisco Arriola League, and Abstract 46, in the R C Rogers Survey, Lumberton, Hardin County, Texas**

Mr. Stafford advised that this request pertains to the oil can image *only* as the lettering is within the required parameters. Mr. Stafford then stated that the Zoning Commission unanimously approved the request as presented.

- 6) **Request submitted by Ricky Martinez Catfish Cabin to paint a sign on the roof of the building. The property is located at 192 S LHS Drive, Abstract 46, in the R C Rogers Survey, P#46-8-XE, I# 1009/694, Lumberton, Hardin County, Texas**

Mr. Stafford advised that there was much discussion on this matter and that the sign Ordinance expressly prohibits "roof" signs. Mr. Soileau then stated (for clarification) that a sign contractor obtained a Permit for the sign in front of the building, however, a different contractor painted the roof sign and did not attempt to obtain a Permit for that project. After further discussion, Mr. Stafford advised that the Zoning Commission unanimously Denied the request as presented.

- 7) **Variance request submitted by Whiteley Oliver, LLC., on behalf of Bobbie Bodle, to replat a portion of Lot 1 into Lots 1D & 1E, Bodle Estates, Abstract No. 36, in the A Lancaster Survey and Abstract No. 21, in the Charles A. Felder Survey, Lumberton, Hardin County, Texas. Neither lot will meet the required 75' road frontage, Lumberton, Hardin County, Texas**

Mr. Stafford advised that there was no opposition to this request, and a Permanent Access Agreement will be in place, therefore, the Zoning Commission unanimously approved this request as presented.

8) **ADJOURNMENT**

There being no further business, the Public Hearing adjourned at 7:14 p.m.

DON SURRETT
MAYOR

ATTEST:

SUSAN COLLINS
CITY SECRETARY